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VIA ECF

The Honorable Robert D. Mariani
United States District Court
Middle District of Pennsylvania
William J. Nealon Federal Building &
U.S. Courthouse
235 N. Washington Avenue
Scranton, PA 18501

Re: McCarthy, et al. v. Jauregui, et al., 3:21-cv-1759-RDM
McCarthy, et al. v. Minnesota Lawyers Mutual Insurance
Company, 3:23-cv-450-RDM

Dear Judge Mariani,

I represent the plaintiffs in these two matters. I am writing to request that the Court schedule oral argument in pending motions in these cases, pursuant to Local Rule 7.9. A summary of the reasons we request oral argument, without argument within this letter, is below.

Pending before Your Honor are objections to Reports and Recommendations in each of these two cases, each of which are fully briefed. In 3:21-cv-1759-RDM, defendant Jauregui is represented by Attorney Eugene Maginnis, and defendant Boye is represented by Attorney Ryan Anderson. Jauregui filed and briefed objections to the Report and Recommendation; Boye has not objected.

In 3:23-cv-450-RDM, Minnesota Lawyers Mutual Insurance Company ("MLM") is represented by Attorney Hema Mehta. Defendant Jauregui represents himself *pro se*. This case is a declaratory judgment action concerning the terms of an insurance policy. The issue which is the subject

of the Report and Recommendation is the presence or absence of this Court's subject matter jurisdiction.

On June 22, 2023, plaintiffs filed their brief in opposition to Jauregui's objections to the Report and Recommendation in 3:21-cv-1759-RDM. (Doc. 46). Five days later, on June 27, 2023, the Connecticut Supreme Court issued an opinion in *Khan v. Yale University*, SC 20705, 2023 WL 4166605 (Conn. S. Ct., June 27, 2023), which Jauregui, through his counsel Mr. Maginnis, relies on in his reply brief. *Khan* has superficial appeal for defendants' position, but a close read reveals that it actually supports plaintiffs' position. Because there is no right to file a sur reply brief to discuss this, and because *Khan* was published after our last brief, we believe oral argument on this and related issues would be helpful for the Court.

Regarding 3:23-cv-450-RDM, plaintiffs and MLM have fully and appropriately briefed the issues. Jauregui, on the other hand, has used his status as a *pro se* litigant to do two things: (1) argue his view of the issues in the separate case of 3:21-cv-1759-RDM (despite the briefing in that case by his counsel); and (2) to launch repeated attacks on undersigned counsel.

If the Court deems it appropriate to hold oral argument on the first case, we suggest that all counsel, including Jauregui acting *pro se*, should be present and have the opportunity to be heard on both cases. I also believe that it would be helpful for all participants to hear Your Honor's views on the issues and the filings.

Thank you for your consideration.

Respectfully submitted,

S/ Barry H. Dyller

Cc: All Copies Served via ECF:
Eugene Maginnis, Attorney for Raul Jauregui in 3:21-cv-1759-RDM
Ryan Anderson, Attorney for Daniel Boye in 3:21-cv-1759-RDM
Heta Mehta, Attorney for MLM in 3:23-cv-450-RDM
Raul Jauregui, Defendant *Pro Se* in 3:23-cv-450-RDM